

# HOUSE BILL 1354

M3

EMERGENCY BILL

11r3133  
CF 11r3135

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By: **Delegate Cane**

Rules suspended

Introduced and read first time: March 21, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Construction of Wells**

3 FOR the purpose of requiring the Department of the Environment to take certain  
4 actions before proposing to adopt or make changes to certain regulations and  
5 statutes governing the construction of wells; providing a certain exception;  
6 making a stylistic change; making this Act an emergency measure; and  
7 generally relating to the authority of the Department of the Environment to  
8 regulate the construction of wells.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 9–1305  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Environment**

17 9–1305.

18 (a) The Department shall adopt [rules and] regulations for the construction  
19 of wells.

20 (b) The [rules and] regulations may recognize a variation:

21 (1) In the primary use or construction of wells; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Of the materials penetrated in different localities.

2 (c) (1) [Before] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
3 **SUBSECTION, BEFORE** the Department [adopts] **PROPOSES TO ADOPT** any  
4 **CHANGE TO THE PROVISIONS OF THIS SUBTITLE OR TO A** [rule or] regulation that  
5 relates to the construction of wells **THROUGH THE LEGISLATIVE OR REGULATORY**  
6 **PROCESS**, the Department shall [submit]:

7 (i) **SUBMIT** the [proposed rule or regulation] **CHANGE** to **THE**  
8 **FOLLOWING PARTIES FOR COMMENT:**

9 1. [the] **THE Board** [for comment];

10 2. **AN INDUSTRY ASSOCIATION REPRESENTING**  
11 **WATER WELL DRILLING COMPANIES IN THE STATE; AND**

12 3. **EACH COUNTY BOARD OF HEALTH DELEGATED BY**  
13 **THE DEPARTMENT TO IMPLEMENT A WELL INSPECTION PROGRAM;**

14 (ii) **IN CONSULTATION WITH THE BOARD, CONDUCT A**  
15 **PUBLIC MEETING ON THE CHANGE;**

16 (iii) **PUBLISH A SUMMARY OF THE COMMENTS RECEIVED BY**  
17 **THE DEPARTMENT UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH ON THE**  
18 **DEPARTMENT'S WEB SITE; AND**

19 (iv) **REVIEW THE RECOMMENDATION OF THE BOARD**  
20 **RELATING TO THE ADOPTION, REJECTION, OR MODIFICATION OF THE CHANGE.**

21 (2) **IF, ON OR BEFORE 60 DAYS AFTER THE DEPARTMENT**  
22 **PUBLISHES A SUMMARY OF COMMENTS ON THE DEPARTMENT'S WEB SITE**  
23 **UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE BOARD DOES NOT MAKE**  
24 **A RECOMMENDATION UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE**  
25 **DEPARTMENT MAY PROPOSE A CHANGE WITHOUT REVIEWING THE**  
26 **RECOMMENDATION OF THE BOARD.**

27 (d) Notwithstanding any provisions to the contrary, a county board of health,  
28 delegated by the Department [of the Environment] to implement a well inspection  
29 program, may collect a fee for the issuance of well permits required under § 9–1306 of  
30 this subtitle. However, a county health department may not collect a fee for test or  
31 irrigation wells.

32 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is an emergency  
33 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members  
2 elected to each of the two Houses of the General Assembly, and shall take effect from  
3 the date it is enacted.